

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

)	
VICTOR RODRIGUEZ,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 14-cv-0191-TSC
)	
U.S. DEPARTMENT OF JUSTICE <i>et al.</i> ,)	
)	
Defendants.)	
)	
)	

MEMORANDUM OPINION

Plaintiff Victor Rodriguez, proceeding *pro se*, challenges the Executive Office for United States Attorneys’ (EOUSA) inability to locate records responsive to his Freedom of Information Act (FOIA) request. Pending is the Department of Justice’s (DOJ) and its component EOUSA’s motion for summary judgment (ECF No. 21). On September 15, 2015, the Court postponed its ruling and directed Defendants to provide additional information about the search--namely, the terms used and filing systems searched. (*See* Mem. Op. and Order at 6-7, ECF No. 29.)

I. BACKGROUND

The relevant facts are recounted as follows. In December 2002, Plaintiff pled guilty in the United States District Court for the Eastern District of Pennsylvania “to numerous crimes” and was sentenced in January 2004 to life imprisonment without

parole. *United States v. Rodriguez*, Crim. No. 98-362-12, 2012 WL 162297, at *1 (E.D. Pa. Jan. 18, 2012).

By letter dated June 18, 2013, Plaintiff requested from EOUSA the name of the district judge in the Eastern District of Pennsylvania “who summoned the grand jury in my criminal case #98-362-12,” the dates the grand jury was convened and discharged, and the date the grand jury returned an indictment and superseding indictment. (Decl. of Vinay Jolly, Ex. A, FOIA Request, ECF No. 21-3.) In response to this lawsuit filed on February 3, 2014, EOUSA conducted a search and notified Plaintiff by letter dated August 6, 2014, that it had located no responsive records. (*Id.*, Ex. H.)

II. ANALYSIS

Previously, the Court applauded the search efforts of EOUSA’s declarant, Susan Falken, and it will not repeat those efforts here. (*See* Mem. Op. at 5-6.) Falken now confirms that LIONS, the case management database used “to maintain, track, and report information” for each United States Attorney’s Office, “does not track Grand Jury information.” (Supp. Decl. of Susan J. Falken ¶¶ 4, 6, ECF No. 30-1.) In addition, Falken states that she knows of no other location in the U.S. Attorney’s Office for the Eastern District of Pennsylvania that is likely to locate responsive records or “of any other [search] method or means . . . likely to locate any responsive records.” (*Id.* ¶ 8.)

Plaintiff has not refuted the supplemental declaration, except Falken’s statement in a footnote that Plaintiff was previously provided the date the grand jury

returned the indictment and the third superseding indictment. (Pl.'s Not. to the Court ¶ 6, ECF No. 32.) Defendants have not replied; thus, the Court will direct Defendants to provide that information promptly to Plaintiff. In all other respects, the Court concludes, in the absence of any contrary evidence, that Defendants conducted a reasonably adequate search for responsive records and are entitled to judgment as a matter of law. A separate order accompanies this Memorandum Opinion.

Date: August 11, 2016

Tanya S. Chutkan
TANYA S. CHUTKAN
United States District Judge